

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Dirk Schmidt et al. Examiner: Terry C. Chau
Serial No: 10/594,866 Group Art Unit: 3655
Filed: 09/29/06 Date: August 2, 2010
For: **SYSTEM FOR LUBRICATING A CLOSING MECHANISM, A CLOSING
BAR AND CLOSING HOOK**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

Sir:

The undersigned hereby certifies that the attached **PETITION UNDER 37 CFR §1.181 TO REQUEST A REFUND OF EXTENSION FEES PAID DUE TO NON-RECEIPT OF AN OFFICE ACTION, REQUEST FOR CONTINUED EXAMINATION, AMENDMENT "C", TWO-MONTH EXTENSION OF TIME AND AN AMENDMENT TRANSMITTAL** were electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313, on August 2, 2010.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



By: Daniel J. Hudak, Jr.
Registration No. 47,669

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Attorney Docket No.: FMW-CT-PCT-US

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**PETITION UNDER 37 CFR §1.181 TO REQUEST A REFUND OF EXTENSION FEES
PAID DUE TO NON-RECEIPT OF AN OFFICE ACTION**

Sir,

The Applicants respectfully request refund of the Extension Fees (2-months for \$490) submitted herewith due to non-receipt of the Office Action dated March 1, 2010 according to the following circumstances.

During an electronic status check of the indicated application on July 8, 2010 through PAIR, it was discovered that an Office Action was mailed on March 1, 2010 to the address indicated thereon. Said Office Action was never received at said address. Upon discovery of this issue on July 8, 2010, it is clear that a substantial portion of the reply period has elapsed. As the mailed Office Action was never received in the undersigned's office there is no evidence available to show the date of receipt of the Office Action.

In view of the situation, the undersigned contacted Mr. Carl Friedman at the U.S. Patent and Trademark Office of Petitions regarding a procedure to request resetting the period of reply due to non-receipt of the Office Action. It was agreed that there is no procedure in place as the application had not been abandoned due to Applicants' discovery of the Office Action through PAIR, albeit over four months after the mailing date of the Office Action.

In view of the failure of the U.S. Postal Service to deliver the Office Action to the undersigned, it would be greatly appreciated if the extension fees submitted herewith were

refunded to Applicants' account (08-3150) in order to prevent the obvious prejudice to the Applicants.

Should there be any questions regarding this response a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA

A handwritten signature in dark ink, appearing to read "Daniel J. Hudak, Jr.", is written over the printed name.

Daniel J. Hudak, Jr.
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